

46 Am. Jur. 2d Judges § 117

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Judges

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IX. Disqualification to Act in Particular Case

B. Grounds for Disqualification

3. Relationship as Grounds for Disqualification

a. Relationship to Parties or Persons Interested

§ 117. Nature of relative's interest as grounds for judge's disqualification

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In a civil case, the person to whom the judge is related generally must, as a party, have a direct or pecuniary interest in the subject matter or the result of the trial, and an indirect or uncertain interest is insufficient.¹ However, where the express language of a disqualification statute has been strictly adhered to, disqualification has resulted from the relationship of the judge to one who is an actual² or necessary³ party to the record even though he or she is not held to have a pecuniary interest.

Reminder:

The federal statute regarding the disqualification of judges includes persons who have an interest that could be substantially affected by the outcome of the proceeding, and the Code of Judicial Conduct includes persons who have more than a de minimis interest that could be substantially affected by the proceeding.⁴

Footnotes

- 1 [Hill v. Kesselring](#), 310 Ky. 483, 220 S.W.2d 858, 10 A.L.R.2d 1301 (1949).
As to pecuniary interests of judges as grounds for disqualification, generally, see §§ 92 to 97.
- 2 [Smith v. Lindsay](#), 20 Haw. 262, 1910 WL 1392 (1910).
- 3 [Dankmer v. City Ice & Fuel Co.](#), 121 W. Va. 752, 6 S.E.2d 771 (1939).
- 4 § 114.

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